

## **REMARKS**

Claims 1-8 stand rejected under 35 U.S.C. 112 as being indefinite. In response, Applicants amended the independent claims to change the term “queue” to “queue number”, which is the number of programs, processes or demands of the system resources. More specifically, with respect to item 3.a. of the Office Action, Applicants amended claims 1 and 7-8 to clarify that the “acquisition unit” acquires “information on the utility rate...” and “information on a queue...” based on Applicants’ disclosure at page 10, lines 12-19 of the present application. With respect to item 3.b. of the Office Action “the queue” corresponds to “a queue for the system resources” as discussed in Applicants’ specification page 10, lines 8-19.

In response to item 3.c. of the Office Action, Applicants amended claims 1 and 7-8 to clarify that “a memory unit that stores a threshold of the utility rate and a threshold of the queue number...” based on the description in Applicants’ specification page 10, lines 8-19. With respect to item 3.d. of the Office Action, the system resource includes CPU, disk, and memories based on the description and Applicants’ specification page 10, lines 8-9. The “queue length” represents the number of programs, processes, and demands based on the disclosure in Applicants’ specification page 11, lines 10-13, and page 11, line 24 to page 12, line 1, and FIG. 7B. In particular, claims 1 and 7-8 are amended to clarify that the “length” represents the “number of programs, processes or demands.” Applicants submit that the

claims, as amended, are clear for the purposes of 35 U.S.C. §112. For this reason, withdrawal of the §112 rejection is respectfully requested.

Claims 1-8 stand rejected under 35 U.S.C. 103(a) as being obvious over Berry (U.S. Patent No. 5,668,944), in view of Applicants' Admitted Prior Art (AAPA). Applicants respectfully traverse the rejection because the cited references, taken alone or in combination, do not disclose or suggest, among other things, transmitting upgrade recommendation information of a system resource, as now recited in the independent claims 1 and 7-8.

Berry discloses a performance diagnosis system which analyzes, diagnoses, and provides reports concerning the operation of a computer system. Berry evaluates the performance of the computer system, and utilizes assessments to produce a final report (Col. 12, lns. 14-23). However, Berry fails to disclose or suggest transmission of upgrade recommendation information of a system resource.

AAPA discloses that a manager judges the performance of the computer system on the basis of the utility rate of the resources (CPU disk) that compose the system (see Applicants' specification page 2, lines 17-19). However, AAPA does not disclose or suggest a diagnosis apparatus or method which diagnoses the performance using a condition of the system resource and a queue, or more particularly the number of queues, or transmitting upgrade recommendation information of a system resource.

In contrast, the present invention discloses a diagnosis apparatus or method which diagnoses the performance using a condition of the system resource and a queue, or

the number of queues. In addition, the system diagnosis apparatus transmits, to the computer system, information including upgrade recommendation information for replacing or adding to a system resource that is diagnosed to have low performance.

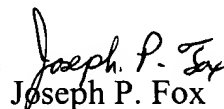
With respect to dependent claims 2 and 3, these claims are distinguishable over the prior art because the combination of AAPA and Berry fails to disclose an ordering unit that orders a system resource that needs to be upgraded, or transmission of the ordering information to a device installed by a supplier of the system resources, as recited in claims 2 and 3, respectfully. For these reasons, withdrawal of the §103 rejection of claims 1-8 is respectfully requested.

For all of the foregoing reasons, Applicants submit that this Application is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

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